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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/673,258
Filing Date: September 30, 2003
Appellant(s): TANI, KOICHIRO

Benjamin Hauptman
For Appellant

SUPPLEMENTAL EXAMINER'S ANSWER

This is in response to the reply brief filed July 30, 2008.

(10) Response to Argument

Applicant's arguments filed July 30, 2008 have been fully considered but they are not persuasive.

As to arguments regarding the rejection of claim 1: Applicant argues that the newly cited portion of Robles in the Examiner's Answer mailed May 30, 2008 appears to be discussing internal bonds rather than external bonds and is thus not applicable to the rejection or claims. This is not persuasive because the bonds attaching the extensible side panels 30 to the body of the diaper are external bonds and external bonds can create different extensibility characteristics as effectively as internal bonds within the side panels 30. There is no concrete evidence in this passage that any distinction is being made when referring to bonds that create different extensibility that precludes external bonds. The portions bonded to create differential extensibility could be either internal or external and, since applicant has made no such distinction in the claims for the fixing and joining parts, the prior art of Robles still renders the claims unpatentable.

Applicant further argues that the intermittent bonding disclosed by Robles cannot be interpreted to cover adjacent bonded regions in the width region, this is also not persuasive as adjacent bonding regions spaced from one another is the very definition of intermittent bonding. One of ordinary skill in the art would certainly consider the intermittent bonding disclosed by Robles to be referring to bonding regions spaced apart in both directions, and certainly at least in the width direction as this is the direction of extension forces applied by the user and the primary intended direction of extension of the extensible side panels 30, as is clear from the disclosure of Robles.

Arguments regarding the rejections of claims 15, 17 and 19-23 rely upon arguments with respect to the rejection of claim 1 and are thus also not persuasive.

As to arguments regarding claims 24 and 25, it was clearly stated in the examiner's answer that the terms "upper part" and "lower part" are not explicitly claimed so as to exclude the interpretation made by the examiner, specifically because it is not recited in the claims what portion of the fasteners is required to not be co-elevational with any portion of the first joint part and second joint part. Thus, the claim was given its broadest reasonable interpretation. Robles suggests portions separate from the first and second joint parts between the waist or leg edge and the closest joint part in the same passage applicant cited with respect to claim 1.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Melanie J Hand/

Examiner, Art Unit 3761

Conferees:

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